

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JAMIE KAUFMANN WOODS,)
et al.,)
)
Plaintiffs,)
)
vs.) Case No.: 1:03CV00105 CAS
)
BOB WILLS, et al.)
)
Defendants.)

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS TO PLAINTIFFS
PAUL HOOVER, JR. AND KATRINA HOOVER AND
RALPH AND MARILYN LUEKEN**

Defendants Bob Wills, Betty Wills, Sam Gerhardt, Deborah Gerhardt, Julie Gerhardt, Sharon Goodman and Andrea Hill move this Court for summary judgment as to the claims made by Plaintiffs Paul Hoover, Jr., Katrina Hoover, Ralph Lueken and Marilyn Lueken. For their Motion, Defendants state:

1. Plaintiffs Ralph and Marilyn Lueken, Katrina Hoover and Paul Hoover, Jr. (collectively "Plaintiffs") each assert a single claim of fraud against Defendants. Plaintiffs claim that fraudulent representations were made to them by one or more unspecified Defendants, that induced them to enroll their children at Mountain Park Baptist Boarding Academy ("Mountain Park"), a boarding school at which the Defendants were employed.

2. Ralph and Marilyn Lueken ("the Luekens") are the legal parents of Shari Lueken, a former student at Mountain Park Baptist Boarding Academy

3. Katrina Hoover is the natural mother of Erika Teasley, another former student at Mountain Park. She is married to Paul Hoover, Jr., who is neither a legal guardian nor adoptive parent to Ms. Teasley.

4. Defendants are all entitled to summary judgment as to Plaintiffs' fraud claims because, as a matter of law, Plaintiffs have failed to identify any specific representations that were made to them by a specific person or speaker, that was fraudulent.

5. Summary judgment is appropriate as to the Hoovers' claim because, at Ms. Hoover's deposition, she could not specify a single representation that she relied on that was not true at the time it was made. Without specific representations made by specific persons, their claim for fraud must fail.

6. The Hoovers claim should be dismissed because their damages for fraud fail to meet the amount in controversy requirement to maintain subject matter jurisdiction under 28 U.S.C. § 1332.

7. Finally, Paul Hoover's claim for fraud should be dismissed because he lacks standing to sue. As a matter of law, he has no parental authority to decide how to care for Erika Teasley, including whether to enroll her in a particular school.

8. Defendants' Statement of Uncontroverted Material Facts, including exhibits, is filed herewith and incorporated herein by this reference.

9. Defendants' Memorandum of Law in Support of said Motion is filed herewith and incorporated herein by this reference.

WHEREFORE, Defendants pray this Honorable Court to:

(a) enter summary judgment in their favor and against Plaintiffs Ralph Lueken and Marilyn Lueken;

- (b) enter summary judgment in their favor and against Plaintiffs Katrina Hoover and Paul Hoover, Jr.;
- (c) dismiss with prejudice the claim made by Plaintiffs Katrina Hoover and Paul Hoover, Jr., for lack of subject matter jurisdiction;
- (d) dismiss with prejudice the claim made by Paul Hoover, Jr., for lack of standing;
- (e) assess costs against Plaintiffs; and
- (f) for all other just and appropriate relief.

Respectfully submitted,

BROWN & JAMES, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2005, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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